

REMARKS

Applicant thanks the Examiner for total consideration given the present application. Claims 1, 4-25, and 27-45 are currently pending. Claims 1, 15, 17, 18, 20, 21, and 29 are independent. Claims 6, 16, 19, and 42 have been amended through this Reply. Applicant respectfully requests reconsideration of the rejected claims in light of the amendment and remarks presented herein, and earnestly seeks timely allowance of all pending claims.

ALLOWABLE SUBJECT MATTER

Applicant appreciates that claims 1, 4-15, 17, 18, 20-25, and 27-45 are allowed.

CLAIM OBJECTION

Claims 6, 16, 19, and 42 are objected to because of minor informalities. These claims have been amended through this Reply to address this issue. Note that the amendment to claims 6, 16, 19, and 42 has been made merely to enhance clarity. It is intended that the scope of the claims remain substantially the same. Applicant respectfully submits that the amendment made to these claims is not narrowing, and is not made for any reason relating to patentability. Accordingly, it is submitted that the amendment does not give rise to estoppel and, in future analysis, claims 6, 16, 19, and 42 are entitled to their full range of equivalents. Accordingly, it is respectfully requested that this objection be withdrawn.

35 U.S.C. § 101 REJECTION

Claims 16 and 19 stand rejected under 35 U.S.C. § 101, as allegedly being non-statutory. Although Applicant does not necessarily agree with the Examiner that a “program product” is non-statutory, claim 16 has been amended to recite, *inter alia*, “A computer readable storage medium stored thereon computer executable program for coding, the computer program when executed causes a processor to execute steps of: redundantly coding at least one first information element . . . and coding at least one additional information element . . .” and claim 19 has been amended to recite, *inter alia*, “A computer readable storage medium stored thereon computer executable program for decoding a first and a second information code, the computer program when executed causes a processor to execute steps of: locating a plurality of marks . . . determining a plurality of first reference positions for the marks . . . determining the values of the

located marks for decoding at least one first information element coded by the first information code; identifying a plurality of second reference positions . . . and decoding at least one additional information element coded by the second information code . . .". At least in view of the above-identified amendment, it is respectfully submitted that claims 16 and 19 are statutory.

CONCLUSION


In view of the above amendment, Applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Ali M. Imam Reg. No. 58,755 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: March 18, 2009

Respectfully submitted,

By  #58,755
Michael K. Mutter
Registration No.: 29,680
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant